

EXHIBIT O

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2 UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF DELAWARE

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4 WAYNE VAN SCOY, :
5 Plaintiff :
6 -vs- : # 05-108
7 VAN SCOY DIAMOND MIND :
8 OF DELAWARE, INC., ET AL, :
9 Defendants :

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10 Valley Forge, Pennsylvania

11 October 5, 2005

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14 Pretrial examination of LEW HILL,
15 taken on behalf of the Plaintiff at the
16 offices of PETOCK & PETOCK, 46 The
17 Commons at Valley Forge, Valley Forge,
18 Pennsylvania, on the above date, commencing
19 at 1:30 p.m., before Julie Zatuchni,
20 Registered Professional Reporter.

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22 JULIE ZATUCHNI, RPR
23 202 Fairfax Court
Wayne, Pennsylvania 19087

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2 Junior would visit from time to time just
3 to compare notes on business operation, you
4 know, who designed your cases and what kind
5 of carpet is that because he was building
6 some stores.

7 He built a store prior to the
8 store he just built recently and he came
9 and looked at what we had done, so I would
10 see him from time to time, but it was not a
11 representation of the franchise board, so
12 to speak.

13 Q. Of Mr. Van Scoy, Senior?

14 A. Right.

15 Q. Subsequent to the signing of this
16 Agreement, did anyone come in any
17 representative capacity?

18 A. Not in a representative
19 capacity. Tommy, Junior came to the store
20 just recently, months ago to look at, get
21 some thoughts on the store, but not to
22 represent the organization.

23 Q. So to your knowledge, from at
24 least 1993 until now, no one representing

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2 the owner of the federal registration for
3 the trademark at issue in this case has
4 inspected your store; is that correct?

5 A. Not to my knowledge.

6 MR. QUINN: I have no further
7 questions.

8 BY MR. PETOCK:

9 Q. When you refer to the late
10 1990's, what are you referring to?

11 A. In answer to what?

12 Q. You've mentioned the late 1990's,
13 with respect to various things, but in
14 particular I guess it was when you switched
15 from Van Scoy Diamond Mine to Van Scoy
16 Jewelers, approximately, what do you mean
17 by late 1990's?

18 A. I can find out when the
19 fictitious title was filed, it'll give you
20 an exact date, but I just don't recall.

21 Q. 1998, '97. I don't know.

22 Q. Prior to 1997, you were licensed
23 by Tommy Van Scoy, Senior to use the mark
24 Van Scoy Diamond Mine; correct?